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13 *Attorneys for Plaintiff Zoya Kovalenko*

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND DIVISION

17 ZOYA KOVALENKO,

18 *Plaintiff,*

19 v.

20 KIRKLAND & ELLIS LLP, MICHAEL DE  
21 VRIES, MICHAEL W. DEVRIES, P.C.,  
22 ADAM ALPER, ADAM R. ALPER, P.C.,  
23 AKSHAY DEORAS, AKSHAY S.  
24 DEORAS, P.C., LESLIE SCHMIDT,  
25 LESLIE M. SCHMIDT, P.C., AND MARK  
26 FAHEY,

27 *Defendants.*

Case No. 4:22-cv-05990-HSG

**DECLARATION OF TANVIR RAHMAN  
IN SUPPORT OF PLAINTIFF'S MOTION  
TO CHANGE TIME TO MOVE TO  
STRIKE ANSWER, DKT. NO. 142**

[Civil L.R. 6-1(b) & 6-3]

**DECLARATION OF TANVIR RAHMAN IN SUPPORT OF PLAINTIFF'S MOTION TO  
CHANGE TIME TO MOVE TO STRIKE ANSWER, DKT. NO. 142**

I, Tanvir Rahman, declare as follows:

1. I represent the plaintiff in this action, *Kovalenko v. Kirkland & Ellis LLP*, No. 4:22-cv-05990-HSG (TSH) (N.D. Cal.). I submit this declaration in support of Plaintiff's motion to change time to move to strike Defendants' Answer and Affirmative Defenses to Plaintiff's Amended Complaint (the "Answer"), Dkt. No. 142.

2. I am an attorney duly licensed to practice in the states of New York and New Jersey and am admitted *pro hac vice* in this case. Dkt. No. 109. I am familiar with the facts and circumstances of this litigation. I know the facts set forth in this declaration to be true of my own personal knowledge.

3. Defendants' Answer, Dkt. No. 142, was filed on September 24, 2024. Federal Rule of Civil Procedure ("Rule") 12(f)(2) provides a 21-day time frame to move to strike an answer—here, that would be Tuesday, October 15, 2024. Plaintiff requests an enlargement of 30 days to file a motion to strike Defendants' Answer, which would extend the deadline to November 14, 2024.

4. Plaintiff's requested extension is warranted because additional time is needed to prepare the motion to strike in light of my competing obligations, including in this case as well as in other matters not before this Court. With respect to the instant action, since Defendants' Answer was filed, I have spent time preparing for and attending the October 2, 2024, discovery hearing held before the Honorable Judge Hixson and the October 8, 2024, case management conference before the Honorable Judge Gilliam. *See* Order Setting CMC, Dkt. No. 141; Order Setting Disc. Hr'g, Dkt. No. 143; Disc. Hr'g Mins., Dkt. No. 146; Minute Entry for Further CMC Held on Oct. 8, 2024, Dkt. No. 153. Moreover, I have needed to spend time on preparing the amended joint case management statement and pushing forward our efforts to timely schedule mediation. *See* Am. Joint CMS, Dkt. No. 149; Minute Entry for Further CMC Held on Oct. 8, 2024, Dkt. No. 153. In addition, I have to push forward discovery, including amending certain discovery responses for Kirkland's 202 requests for production and 21 interrogatories by October 28, 2024, and preparing a joint status report by November 4, 2024. *See* Clerk's Not. Scheduling Status Disc. Hr'g, Dkt. No. RAHMAN DECLARATION ISO PLAINTIFF'S MOTION TO CHANGE TIME TO MOVE TO STRIKE ANSWER, DKT. NO. 142

148. In addition to the above substantive commitments for this case, I am also finalizing the motion for limited reconsideration of the Order (Sept. 10, 2024), Dkt. No. 140, and will have to prepare for forthcoming mediation, which pending finalization, should take place in November 2024. Accordingly, the requested extension is needed to provide adequate time to properly research and prepare a motion to strike in order to preserve my client's rights. An extension is thus also warranted to allow me to devote necessary time to competing obligations in the case as mentioned above. Thus, the requested extension is necessary to avoid significant prejudice to Plaintiff.

5. I emailed Defendants' counsel on Wednesday, October 2, 2024, requesting they consent to a 30-day extension for Plaintiff to move to strike Defendants' Answer. Defendants' counsel did not respond, so I followed up on Tuesday, October 8, 2024. In response, Defendants' counsel did not agree to an extension but indicated that they may be open to doing so. After taking the time and courtesy to email Defendants explaining the basis for the motion to strike on October 10, 2024, and requesting a response by noon PST today, October 11, 2024, Defendants' counsel responded late in the afternoon today and still refused to consent to the extension request.

6. As noted above, Plaintiff may suffer substantial harm and prejudice if the Court does not extend the time to move to strike Defendants' Answer, including potentially waived arguments regarding Defendants' Answer.

7. The previous time modifications in the case are as follows:

- A stipulation to specially set the briefing schedule on nine of Defendants' motions filed in response to Plaintiff's Complaint was filed on December 20, 2022, Dkt. No. 43, and granted on December 21, 2022, Dkt. No. 44.
- A stipulation to extend deadlines to comply with initial discovery obligations pursuant to General Order No. 71 and to set the briefing schedule for Defendant Kirkland & Ellis LLP ("K&E")'s Anti-SLAPP Motion was filed on January 9, 2023, Dkt. No. 59, and granted on January 10, 2023, Dkt. No. 61.
- A stipulation under Civil Local Rule 6-1(a) to extend time for Plaintiff to object/respond to K&E's first sets of interrogatories and requests for production

from September 7, 2023 to October 9, 2023 was filed on August 30, 2023, Dkt. No. 93.

- A stipulation under Civil Local Rule 6-2 to extend time for Defendants to answer Plaintiff's Amended Complaint was filed on September 26, 2023, Dkt. No. 95, and granted on September 27, 2023, Dkt. No. 96.
- A stipulation under Civil Local Rule 6-1(a) to extend time for Plaintiff to object/respond to K&E's first sets of interrogatories and requests for production from October 9, 2023 to November 8, 2023 was filed on October 6, 2023, Dkt. No. 100.
- A stipulation under Civil Local Rules 6-1(b) and 6-2 to extend time regarding Defendants' Motion to Dismiss Plaintiff's Amended Complaint was filed on October 27, 2023, Dkt. No. 104, and granted on October 30, 2023, Dkt. No. 106.
- A stipulation under Civil Local Rule 6-2 to specially set a briefing schedule on Plaintiff's Motion to Quash K&E's Subpoenas and for Protective Order and to reset hearing dates was filed on December 27, 2023, Dkt. No. 114, and granted on December 28, 2023, Dkt. No. 115.
- A stipulation under Civil Local Rule 6-2 to extend the deadline for Defendants to respond to Plaintiff's first requests for production was filed on May 9, 2024, Dkt. No. 136, and granted on May 9, 2024, Dkt. No. 138.

8. The Court entered a scheduling order in this case on October 9, 2024. Scheduling Order, Dkt. No. 152. The brief extension of time requested here would have no effect on the schedule for the case, given that the close of all discovery is in May 2025. Dkt. No. 152.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in White Plains, New York on October 11, 2024.

Respectfully submitted,

By: /s/ Tanvir Rahman  
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